Kerala Gazette No. 7 dated 14th February 1961.
PART I

GOVERNMENT OF KERALA

Public (Services C) Department

NOTIFICATION

S (C) 4-70250/60/PD. *Dated, Trivandrum, 3rd February 1961.*

In exercise of the powers conferred by the Proviso to Article 309 of the Constitution of India, the Governor of Kerala hereby makes the following amendment to the Government Servants' Conduct Rules, 1960, viz.,—

AMENDMENT.

In the said rules, after Rule 48, the following shall be inserted as Rule 48 A, viz.,

"48 A. No Government servant shall publish any book without obtaining the previous permission from the Government. The Heads of Departments are authorised to exercise the powers of Government, for the purpose of this rule in respect of non-Gazetted Government Servants serving in their Departments. They may refer any case to Government for advice or orders if they consider such a course desirable. The following conditions shall be imposed whenever permission is granted:—

1. that the work connected with the publication of the book does not interfere with the official duties of the author.
2. that the author does not canvass in support of the sale of copies of the book.
3. that while giving the description of the author on the title page or elsewhere, care is taken to make it clear that the work is not officially sponsored.
4. that an introduction is included in the book explaining the office which the author held or was holding while writing the book and that it is not an official publication.
5. that the official designation of the author does not appear on the title page or chapter headings and
6. that a proof copy of the book is submitted to the head of the Department concerned for perusal and return.

By order of the Governor,

A. G. MENON,

Chief Secretary.

G. 442

To

All Heads of Departments and Offices.

All Officers of the Secretariat.

All Departments of the Secretariat (All Sections) including Law, Finance and Legislature Secretariat.

The Registrar, High Court, Ernakulam (with C. L.)

The Registrar, University of Kerala do.

The Secretary, Kerala Public Service Commission do.

The Secretary to the Governor.

The Private Secretary to the Chief Minister and other Ministers.

The Personal Clerk to the Chief Secretary.

The Director of Public Relations (with 6 copies).

The Gazette.

Agriculture (Food A) Department.

NOTIFICATION

No. 3064/61-Agri. (Fd. A3).

Dated, Trivandrum, 30th January 1961.

The Government of India, Ministry of Food and Agriculture, (Department of Food) Order G. S. R. 26 dated 30th December, 1960, published in the Gazette of India (Part II Section 3—Sub-section (i) dated 7th January, 1961/Pausa 17, 1882 (Saka) is republished for general information.

By order of the Governor,

C. Thomas,
Secretary.

Ministry of Food and Agriculture
(Department of Food)

ORDER

New, Delhi, the 30th December 1960.

G. S. R. 26—In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, namely:—

1. This Order may be called the Foodgrains Movements (Conversion to Metric Weights) Order, 1961.
2. The Orders specified in the first column of the annexed Table are hereby amended to the extent and in the manner specified in the second column thereof.

TABLE.

Order. (1)	*Nature of amendments.* (2)
1. Calcutta Wheat (Movement Control) Order, 1956; S. R. O. 2033; 5-9-1956 2. Bombay Wheat (Movement Control) Order, 1956; S. R. O. 2098; 17-9-1956. 3. Bombay Rice (Export Control) Order, 1957; S. R. O. 1852; 3-6-1957	In the proviso to clause 3, for "five seers", substitute "five kilograms".
4. Inter-Zonal Wheat Movement Control Order, 1957; S. R. O. 1986; 13-6-1957	In the first proviso to clause 3, for "five seers", substitute "five kilograms".
5. Rice (Southern Zone) Movement Control Order, 1957; S. R. O. 2258-A; 9-7-1957	(i) In clause 3,— (a) in the first proviso, for "five seers", substitute "five kilograms",

(1)	(2)
	(b) in the second proviso, for "ten maunds", substitute "four quintals"; (ii) In the proviso to clause 3A, for "20 seers" and "5 seers", substitute "twenty kilograms" and "five kilograms" respectively.
6. Bihar Foodgrains (Movement Control) Order, 1957; S. R. O. 4076; 20-12-1957	In the proviso to clause 3 as well as in the proviso to clause 3A, for "five seers", substitute "five kilograms"
7. Madhya Pradesh Rice (Movement Control) Order, 1957; S. R. O. 4077; 20-12-1957	In the proviso to clause 3, for "five seers" substitute "five kilograms".
8. Wheat (South Zone Export Control) Order, 1958, G. S. R. 703; 16-8-1958	
9. Uttar Pradesh Foodgrains (Movement Control) Order, 1958; G. S. R. 758; 29-8-1958	
10. Rice (Northern Zone) Movement Control Order, 1958; G. S. R. 818–A; 13-9-1958	(i) In the proviso to clause 3, for "five seers", substitute "five kilograms"; (ii) In the proviso to clause 3A, for "20 seers" and "5 seers", substitute "twenty kilograms" and "five kilograms" respectively.
11. West Bengal Wheat (Export Control) Order, 1958; G. S. R. 1050; 1-11-1958	In the proviso to clause 3, for "five seers", substitute "five kilograms".
12. Uttar Pradesh Paddy and Rice (Restriction on Movement) Order, 1958; G. S. R. 1253; 24-12-1958.	In clause 3B, for "five seers", substitute "five kilograms"
13. Punjab Paddy (Export Control) Order, 1959; G. S. R. 23; dated 3-1-1959	In the proviso to clause 3, for "five seers", substitute "five kilograms".
14. Uttar Pradesh Foodgrains (Restrictions on Border Movement) Order, 1959; G. S. R. 292; 10-3-1959.	In the proviso to clause 3, for "five maunds" and "five seers", substitute "two quintals" and "five kilograms" respectively.

(1)	(2)
15. Rajasthan Foodgrains (Restrictions on Border Movement) Order, 1959; G. S. R. 432; 9-4-1959	In clause 5, for "20 seers" and "5 seers", substitute "twenty kilograms" and "five kilograms" respectively.
16. Madhya Pradesh Foodgrains (Restrictions on Border Movement) Order, 1959; G. S. R. 450; 14-4-1959	In the proviso to clause 3, for "10 maunds" and "5 seers", substitute "four quintals" and "five kilograms" respectively.
17. Delhi (Restriction on Import of Wheat Atta) Order, 1959; G. S. R. 693; 15-6-1959	In the proviso to clause 3, for "five seers", substitute "five kilograms".
18. Tripura Foodgrains Movement Control (No. 2) Order, 1959; G. S. R. 805; 11-7-1959	
19. Rice (Eastern Zone) Movement Control Order, 1959; G. S. R. 1401, 21-12-1959	(i) In clause 3,— (a) in the first proviso, for "five seers", substitute "five kilograms"; (b) in the second proviso, for "ten maunds", substitute "four quintals". (ii) In the proviso to clause 4. for "forty seers" and "five seers", substitute "forty kilograms" and "five kilograms" respectively.
20. Calcutta Rice (Movement Control) Order, 1959; G. S. R. 1402; 21-12-1959	In the proviso to clause 3, for "five seers", substitute "five kilograms".
21. Rajasthan (Rice Import Restriction) Order, 1960; G. S. R. 696; 17-6-1960	In clause 3,— (i) in the first proviso, for "five seers", substitute "five kilograms"; (ii) in the second proviso, for "ten maunds", substitute "four quintals".

(No. 204 (GENL) (8)/478/60-PY. II).

S. N. BHALLA,
Deputy Secretary
to the Government of India.

Kerala Gazette No. 7 dated 14th February 1901.
PART I

GOVERNMENT OF KERALA

Abstract

PROVIDENT FUND—FINAL WITHDRAWALS FROM PROVIDENT FUND MONEY—NON-LIABILITY CERTIFICATE FOR THE PERIOD PRIOR TO 1-4-1951—PRODUCTION OF—ORDERS—ISSUED.

FINANCE DEPARTMENT

G. O. No. (P) 39/61/Fin. (Rules C)

Dated, Trivandrum, 1st February 1961.

Read:—(1) G. O. Fin (b) 1-14889/54 dated 27-11-1954.
(2) G. O. No. Fin (RC) 3-27466/57 dated 11-11-1957.
(3) G. O. No. (P) 96/58/Fin. dated 16-4-1958.
(4) G. O. No. (P) 245/59 dated 14-5-1959.
(5) G. O. No. (P) 503/59 dated 24-9-1959.
(6) G. O. No. (P) 588/59 dated 10-11-1959.
(7) G. O. No. (P) 218/60 dated 28-4-1960.
(8) G. O. No. (P) 253/60/Fin. dated 16th May 1960.
(9) From the Director of Public Instruction, letter No. E9-113825/60 dated 26-8-1960.
(10) From the Accountant General, letter No. PF1/G1/9-19/149 dated 22-11-1960.

ORDER

1. In the G. O. read as first paper above, it was ordered that the liabilities of an Officer for the period prior to 1-4-1951 could be recovered from the balance subscribed to his Provident Fund Account prior to 1-4-1951 and the Heads of Departments and Offices directed to see that liabilities are settled and non-liability certificates issued within three months from the date of retirement of officers.

2. The above orders were modified by the G. O. read as Second paper above, to the extent that if an officer forwarding an application for the closure of Provident Fund Account and the final withdrawal of Provident Fund amount did not indicate any amount as recoverable from the applicant, it might be assumed that there were no pre-1951 liabilities and that in such cases payment might be authorised without insisting on the production of a non-liability certificate.

3. In the G. Os. read as 3rd, 4th, 5th, 6th, 7th and 8th papers above, orders were issued permitting non-refundable withdrawals by subscribers who have completed 25 years of service or were within 5 years of the date of superannuation from their Provident Fund Accounts for certain purposes and subject to certain terms and conditions specified therein. One of the conditions for the grant of non-refundable advance from Provident Fund money is that the subscriber concerned should produce a certificate to the effect that there are no liabilities outstanding against him incurred prior to 1-4-1951 which have to be recovered from him.

4. The Director of Public Instruction has now requested orders as to whether the investigation of liabilities of an Officer for the periods prior to 1-4-1951 for the purposes of closing Provident Fund Accounts and of non-refundable withdrawals from Provident Fund money may not be dropped hereafter as more than 9 years have elapsed since 1-4-1951 and as all such liabilities might have been settled by this time.

5. The Accountant General who was consulted in the matter has stated that for purposes of audit, the orders contained in the G. O. dated 11-11-1957 are sufficient.

6. In having considered the question carefully, the Government are pleased to extend the orders regarding the non-liability certificate contained in the G. O. Fin(RC)3-27466/57 dated 11-11-1957 to all cases of non-refundable withdrawals from Provident Fund money specified in the G. Os. referred to in para 3 above. The Government also wish to impress upon the Heads of Departments that it is their responsibility to ensure that no liability is lost sight of.

By order of the Governor,

P. K. Syed Mohammed,
Deputy Secretary.

Forwarded to:

The Director of Public Instruction.
The Accountant General, Kerala, Trivandrum.
All Heads of Departments and Offices.
The Registrar of High Court (with C. L.)
The Registrar, University of Kerala (with C. L.)
The Secretary, Public Service Commission (with C. L.)
The Secretary to the Governor, Kerala (with C. L.)
All Secretaries, Additional Secretaries, Deputy Secretaries, Joint Secretaries and Assistant Secretaries to Government.
All Departments and Sections of the Secretariat.
The Private Secretary to Chief Minister and other Ministers.
The Confidential Clerk to the Chief Secretary to Government.

Kerala Gazette No. 7 dated 14th February 1961.
PART I

GOVERNMENT OF KERALA

Abstract

RULES—KERALA SERVICE RULES—EXTRA. JOINING TIME TO TIMBER DEPOT OFFICERS AND SECTION OFFICERS—AMENDMENT—ORDERS ISSUED.

FINANCE DEPARTMENT

G. O. (P) 37/61/Fin. **Dated, Trivandrum, 1st February 1961.**

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Kerala hereby makes the following amendments to the Kerala Service Rules published under Notification No. CR. 57702/59 dated 10-11-1959, namely:—

AMENDMENTS

C. S. No. 2/1961, dated 1-2-1961.

In the said Rules, in rule 127, Part I, the existing exception shall be numbered as Exception (i) and the following shall be added as Exception No. (ii).

"(ii) A period of not more than one week will be allowed to Public Works Department Section Officers and Officers in charge of Timber Depots of the Forest Department for transfer of charge to check conjointly stores and other materials, the minimum time actually required in each case alone being however utilised for the purpose.

By order of the Governor,
M. MOHAMMED IBRAHIM,
Joint Finance Secretary.

G 444

To

The Accountant General.

All Heads of Departments and Offices.

All Departments of the Secretariat.

The Secretary, Public Service Commission (with C. L.)

The Registrar of High Court, Ernakulam (with C. L.).

The Registrar, University of Kerala (with C. L.).

The Private Secretary to the Chief Minister and other Ministers.

The Secretary to the Governor.

All Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries and Assistant Secretaries to Government.

The Superintendent of Government Presses, Trivandrum.

Kerala Gazette No. 7 dated 14th February 1961.
PART I

GOVERNMENT OF KERALA

Abstract

RULES—KERALA SERVICE RULES—PAYMENT OF SUBSISTANCE ALLOWANCE AND COMPENSATORY ALLOWANCE TO OFFICERS UNDER SUSPENSION—AMENDMENT ISSUED.

FINANCE DEPARTMENT

G. O. (P) 49/61/Fin. Dated, Trivandrum, 3rd February 1961.

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India the Governor of Kerala hereby makes the following amendment to the K. S. R. published under Notification No. Fin. (CR) 57702/59 dated 10-11-1959 namely :—

AMENDMENT

C. S. No. 4/61, dated 3-2-1961.

In the said Rules, after note (2) to Rule 55 Part I, the following shall be added as note (3).

"*Note 3.*—No payment under the rules shall be made unless the Officer furnishes a certificate (and the authority which made or is deemed to have made the order of suspension is satisfied) that he (the Officer) is not engaged in any other employment, business, profession or vocation".

By order of the Governor,

P. S. PADMANABHAN,
Finance Secretary.

To

The Accountant General
All Heads of Departments and Offices
The Registrar of High Court (with C. L.)
The Registrar, University of Kerala (with C. L.)
The Secretary, Kerala Public Service Commission (with C. L.)
The Secretary to the Governor
The Private Secretary to the Chief Minister and other Ministers
The Secretaries, Joint Secretaries, Additional Secretaries, Deputy Secretaries and Assistant Secretaries
All Departments of the Secretariat
The Personal Clerk to the Chief Secretary
The Superintendent, Government Presses, Trivandrum.

G. 525.

Kerala Gazette No. 7 dated 14th February 1961.
PART I

GOVERNMENT OF KERALA

Abstract

RULES—KERALA SERVICE RULES—HOSPITAL LEAVE TO FIRE SERVICE PERSONNEL—AMENDMENT ISSUED.

FINANCE DEPARTMENT

G. O. (P) 53/61/Fin. **Dated, Trivandrum, 7th February 1961.**

Read :—G. O. Ms. 742, dated 2nd December 1960.

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Kerala hereby makes the following amendment to the Kerala Service Rules published under Notification No. Fin (CR) 57702/59 dated 10-11-1959 namely:—

AMENDMENT

C. S. No. 6/61 dated 7-2-1961.

In the said rules, in rule 103 (a) Part I, after the words " Head Constable ", the following also shall be added :—

" and Fire Service Personnel of and below the rank of leading Firemen, including Driver Mechanics and Fireman Drivers ".

(This amendment shall be deemed to have come into force with effect from 1-11-1959).

By order of the Governor,
M. MOHAMMED IBRAHIM,
Joint Finance Secretary.

To

The Accountant General
All Heads of Departments and Offices
The Registrar of High Court (with C. L.)
The Registrar, University of Kerala (with C. L.)
The Secretary, Kerala Public Service Commission (with C. L.)
The Secretary to the Governor
The Private Secretary to the Chief Minister and other Ministers
The Secretaries, Joint Secretaries, Additional Secretaries, Deputy Secretaries and Assistant Secretaries.
All Departments of the Secretariat
The Personal Clerk to the Chief Secretary
The Superintendent, Government Presses, Trivandrum.

Kerala Gazette No. 7 dated 14th February 1961.
PART I

GOVERNMENT OF KERALA

Abstract

RULES—KERALA SERVICE RULES—COMBINATION OF OTHER KINDS OF LEAVE WITH MATERNITY LEAVE—AMENDMENT ISSUED.

FINANCE DEPARTMENT

G. O. (P) 54/61/Fin. **Dated, Trivandrum, 7th February 1961.**

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Kerala hereby makes the following amendment to the K. S. R. published under Notification No. Fin. (CR) 57702/59 dated 10-11-1959 namely :—

AMENDMENT

C. S. No. 5/61, dated 7-2-1961.

In the said Rules, in rule 102 Part I, the following shall be added as a note, namely :—

"*Note*:—Regular leave in continuation of Maternity leave may also be granted to a female officer on her producing a medical certificate to the effect that the new born baby requires personal attention of the mother and her presence by the side of the baby is absolutely necessary".

By order of the Governor,
M. MOHAMMED IBRAHIM,
Joint Finance Secretary.

To

The Accountant General
All Heads of Departments and Offices
The Registrar of High Court with C. L.
The Registrar, University of Kerala with C. L.
The Secretary, Kerala Public Service Commission with C. L.
The Secretary to the Governor
The Private Secretary to the Chief Minister and other Ministers
The Secretaries, Joint Secretaries, Additional Secretaries, Deputy Secretaries and Assistant Secretaries.
All Departments of the Secretariat
The Personal clerk to the C. S.
The Superintendent, Government Presses, Trivandrum.

G. 524.

Kerala Gazette No. 7 dated 14th February 1961.

PART I

GOVERNMENT OF KERALA

Abstract

RULES—KERALA SERVICE RULES—PERIOD OF OPTION FOR PENSIONERS—EXTENSION OF

Finance Department

G. O. (P) 47/61. **Dated, Trivandrum, 3rd February 1961.**

ORDER

In G. O. (P) No. 416/60/Fin., dated 23-8-1960 Government had sanctioned the benefit of the liberalised pension rules contained in part III of the Kerala Service Rules being given retrospective effect from 1-11-1956 and a period of three months from 1-9-1960 was also fixed for the concerned persons (i. e., those who retired after 1-11-1956 but before 1-11-1959) to exercise their option to be governed either by the Pension Rules in the Kerala Service Rules or the old rules applicable to them. The above period expired on 30-11-1960.

2. Representations have been now received from a few pensioners that the period allowed was insufficient for them to acquaint themselves with the details and accordingly they could not exercise their option within the time prescribed. They have requested that the period may be extended for a few more months so as to enable them to exercise option.

3. Government consider that the request is reasonable and are pleased to sanction the period for exercising of option by those persons being extended till the end of March 1961. The Heads of Departments and Offices are requested to take suitable action to inform the several officers who have retired during the above period about this concession. The Treasury Officers are also requested to publish this on the Notice Board of the Treasury for the information of the pensioners.

The following notification will be published in the Kerala Gazette.

NOTIFICATION

I pursuance of sub clause (b) of clause (ii) of Rule 2 of Part I of the Kerala Service Rules published under notification No. Fin. C.R. 57702/59 dated 10-11-1959, the Government of Kerala hereby make the following amendment to notification (1) No. Fin. RB2-73725/59 dated 23-8-1960, namely :

AMENDMENT.

In the said notification in clause (1) for the words "three months", the words "seven months" shall be substituted.

By order of the Governor,
S. Y. MUTHUSWAMY,
Joint Secretary.

To

The Accountant General, Kerala.
All Heads of Departments and offices.
The Secretary, Public Service Commission (with C. L.)
The Registrar, High Court (do.)
The Departments of the Secretariat.
The Secretaries, Joint Secretaries, Additional Secretaries, Deputy Secretaries and Assistant Secretaries.
The Private Secretaries to the Chief Minister and other Ministers.
The Personal Clerk to the Chief Secretary.
The Superintendent, Government Presses, Trivandrum.

Kerala Gazette No. 7 dated 14th February 1961.
PART I

Abstract

P. F. TEMPORARY ADVANCES—SANCTIONING OF—WHILE PREVIOUS ADVANCE IS OUTSTANDING—DELEGATION OF POWERS FOR.

FINANCE DEPARTMENT

G. O. No. (P) 40/Fin. RC. Dated, Trivandrum, 1st February 1961.

Read:—1. G. O. P. 400/58/Adm. Reforms. dated 31-3-1958.
2. G. O. P. 275/Fin. dated 28-5-1960.

ORDER

In the G. O. read as first paper above, deligating certain powers to the Heads of Departments, it has been ordered that the Heads of Departments would be competent to sanction Temporary Withdrawals from P. F. Credits by subordinates of the Departments, upto a maximum of Rs. 1000 in each case, in normal cases and upto Rs. 500 in special cases, subject to the other conditions and limitations under the Rules of the Fund.

In the G. O. read as second paper above, it has been ordered that Rule 11 of the S. P. F. (Travancore) and Rule 12 (i) of G. P. F. (Cochin) Rules would be amended on the lines of Rule 14 (i) (c) of the G. P. F. (Madras) Rules which reads as follows:—

"An advance shall not except for special reasons:

(i) Exceed three months pay or half the amount at the credit of the subscriber in the Fund, whichever is less.,

or (ii) Unless the amount already advanced does not exceed two-thirds of the amount admissible under sub clause (i), be granted until at least twelve months after the final repayment of all previous advances together with interest thereon:

Provided that if the reason is of a confidential nature, it may be communicated to the Accounts Officer, confidentially".

It is seen that applications for advances when previous advance is outstanding repayment, are invariably forwarded to the Finance Department for sanction, as it is not clear whether

the delegation sanctioned in the G. O. read as first paper above would cover the sanction under the G. O. read as second paper also.

Having considered the position, Government are pleased to order that the delegation sanctioned in the G. O. read as first paper above will apply to the grant of temporary advances in terms of Rule 14 (i) (c) of the G. P. F. (Madras) Rules. Accordingly Heads of Departments can sanction as a special case a second temporary advance when the previous advance is outstanding repayment, subject to the monetary limit of Rs. 500 prescribed in G. O. P. 400/58 dated 31-3-1958 in respect of special cases and subject to other conditions and limitations under the rules of the Fund. In all other cases, sanction of Government in the Finance Department should be obtained.

Government, however, wish to make it clear that the intention behind the new Rule is not to sanction temporary advances indiscriminately whenever subscribers apply for it. An application for a fresh temporary advance, when a previous advance already sanctioned is outstanding repayment should be considered by the sanctioning authority on merits of each case, taking into account the special reasons furnished by the subscriber, as also the capacity of the subscriber to repay the same.

By order of the Governor,

A. PONNAMMA,
Assistant Secretary.

Forwarded to:

The Accountant General, Kerala.

The Registrar, High Court (with C. L.)

The Registrar of University (with C. L.)

All Heads of Departments and Offices etc.

The Secretary, Kerala Public Service Commission (with C.L.)

The Secretary to the Governor.

The Private Secretary to the Chief Minister and other Ministers.

The Secretaries, Joint Secretaries, Additional Secretaries, Deputy Secretaries, and Assistant Secretaries.

All Departments of the Secretariat.

The Gazette.

Kerala Gazette No. 7 dated 14th February 1961.

PART I

GOVERNMENT OF KERALA

Finance Department.

NOTIFICATION

G. O. Ms. No. 41/61. *Dated, Trivandrum, 1st February 1961.*

In exercise of the powers conferred by the proviso to Art. 309 read with Art. 313 of the Constitution of India and of all other powers hereunto enabling, the Government of Kerala hereby make the following amendment to the Madras Compassionate Gratuities Rules 1932.

The amendment shall be deemed to have come into force on the 25th August 1958.

AMENDMENT

For the Note under Sub Rule (2) of Rule 1 of the said rules, the following Note shall be substituted, namely :—

"In very hard cases, the Government may grant compassionate gratuities to the families of deceased Government servants who are governed by the Madras Contributory Provident Fund—Pension—Insurance Rules, 1950. But no such grant shall be made to the family of a Government servant who dies on or after the 25th August 1963".

By order of the Governor,

P. S. PADMANABHAN,

Finance Secretary.

G. 441.

Kerala Gazette No. 7 dated 14th February 1961.
PART I

GOVERNMENT OF KERALA

Abstract

PAYMENT OF LOANS AND ADVANCES GRANTED BY THE STATE GOVERNMENT—AMENDMENT TO TRAVANCORE FINANCIAL AND ACCOUNT CODE—VOLUME I—ORDERS ISSUED

FINANCE DEPARTMENT

G. O. (P) 52/61/Fin. Dated, Trivandrum, 7th February 1961.

Read :—G. O. (P) 427/59/Fin. dated 10th August 1959.

AMENDMENT TO TRAVANCORE FINANCIAL AND ACCOUNT CODE—VOL. I.

C. S. No. 2/61 DATED 7-2-1961—PAGE 340.

Insert the following after item (3) in Art. 589 of Travancore Financial and Account Code—Vol. I.

"The instalments towards the payment of loans and advances granted by the Government which fall due on public holidays should, in cases not otherwise specifically provided for, be paid into the Treasury on the working day immediately preceding the holiday. This will not however affect payments which are made by book adjustments". The amendment will take effect from 10-8-1959.

By order of the Governor,
M. MOHAMMED IBRAHIM,
Joint Finance Secretary.

G, 522,

Kerala Gazette No. 7 dated 14th February 1961.

PART I

Health and Labour Department

NOTIFICATION

No. 4769/L5/61/HLD.

Dated, Trivandrum, 25th January 1961.

The award of the Labour Court, Quilon, in respect of the dispute between the Management of M/s. Asramam Tile Works, Asramam, Quilon, and their workmen represented by the Kerala Tile Workers' Union, Kilikolloor, Quilon, received by Government on 18-1-1961 is hereby published under Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,

V. V. JOSEPH,
Secretary.

Before the Labour Court, Quilon

Present:

SRI P. SANKU PILLAI, B. A. & B. L.

In

INDUSTRIAL DISPUTE No. 78/1959

Between

THE MANAGEMENT OF

MESSRS. ASRAMAM TILE WORKS, ASRAMAM, QUILON

And

THE WORKMEN OF

THE ABOVE FACTORY REPRESENTED BY THE KERALA TILE WORKERS' UNION, H. O. KILIKOLLOOR, QUILON.

AWARD

This industrial dispute between the above parties was referred to me by Government for adjudication under Section 10 (1) (c) of the Industrial Disputes Act of 1947 (Central Act XIV of 1947) by Order No. 53759 L5-/59-1/L&LAD dated 20-10-1959. The question referred for adjudication relates to:—

"Discharge of worker K. Divakaran".

The case put forward by the Union in their statement is the following:-

The Management of Asramam Tile Works, Asramam, Quilon discharged from their service Sri K. Divakaran (card No. 39) effective from 23-5-1959. The said discharge is thoroughly arbitrary and without any justification. Before discharging him from service, the Management did not give him an opportunity to prove his innocence. There was no charge sheet or enquiry conducted. Sri Divakaran was doing his work loyally and faithfully ever since the date of his appointment, i.e., for 10

years. At the time of discharge he was getting wages at the rate of Rs. 2. 25 nP. per day. The Management was actually victimising Sri Divakaran for his active trade union work in the factory. The allegations raised in the order of discharge dated 29-5-1959 are thoroughly baseless and were duly denied by Sri Divakaran. He is not guilty of any offences so as to warrant a punishment of discharge.

It is therefore prayed that an award be passed re-instating Sri K Divakaran with full back wages, and also cost to the Union.

In the reply statement filed by the Management the following contentions are raised:-

Sri Divakaran was discharged as a result of disciplinary action taken against him for grave misconduct. On 27-5-1959 in the evening Sri Divakaran got into the office of the factory and demanded the clerk, Sri K. Somanathan Pillai, to erase the words "the Employee refused alternative work offered by the mangement" entered in his attendance card. When the clerk refused that Sri Divakaran abused him using the words "നിങ്ങളുടെ തോന്ന്യാസങ്ങൾ കാണിക്കുന്നതു" എന്റെ കാർഡിലല്ല. എല്ലാ കൊള്ളരുതായ്മയും കാണിക്കാം എന്നാണോ വിചാരം. അതെല്ലാം മനസ്സിലിരിക്കട്ടെ. ഞാൻ വകവെച്ചുതരത്തില്ല" This was in the presence of several cumstomers as also of Sri P. V. Narayana Pillai, the lessee occupier of the factory Sri M. Lambodaran Nayar, the Factory Manager, was also present. When Sri Divakaran refused to leave the place even after request and continued to abuse Sri K. Somanathan Pillai, Sri P. V. Narayana Pillai, the occupier, intervened and asked Sri Divakaran to stop abusing the clerk. Thereupon Sri Divakaran turned to the lesseee occupier himself and shouted at him "നിങ്ങൾ ഒന്നും പറയേണ്ട. അതു കേൾക്കാൻ എനിക്കു മനസ്സില്ല. നിങ്ങൾ പഠിച്ചതുപോലെ നോക്കിക്കൊള്ളണം." On 28-5-1959 a show cause notice was issued to him detailing the above charge of misconduct against him and calling upon his explanation. Sri Divakaran accepted the notice and submitted his explanation the same day. In his explanation he admitted having gone into the office to get his card corrected, but denied having abused the employer or any member of the staff. As the offences committed by Sri Divakaran were in the presence of the Manager and of the lessee occupier, there was no necessity of conducting any further fact finding enquiry for the purpose. The only question to be decided was as to the nature of the punishment to be awarded. In consultation with the lessee occupier who had employed Sri Divakaran and after taking into consideration the antecedents of the workman, it was decided to discharge him from the service of the factory, and a notice was issued to him accordingly on 29-5-1959. The offence committed by Sri Divakaran warrants the punishment of discharge. His previous conduct was so bad that no lesser punishment could be awarded. Sri Divakaran was not doing his work loyally and faithfully. He was being paid 75 nP. per day as basic wages and his dearness allowance paid monthly at the rate of 2 Annas per point of living index above hundred for the Quilon area. Sri Divakaran was not doing any trade union work within the

factory. He was not discharged by way of victimisation for any trade union activity. The statements made in the order of discharge dated -8-5-1959 are all true. Sri K. Divakaran is not entitled to any reliefs.

It is therefore prayed that an award be passed upholding the contentions of the Management.

The Union has filed a Rejoinder reiterating the allegations in their statement and controverting the contentions of the Management.

The issues that arise for determination are:—

(1) Is the discharage of Sri Divakaran justified or not?
(2) In either case to what reliefs is he entitled?

Issue No. 1:—

The worker was discharged by the management on the ground of misconduct and insubordination. In Ext. W1 the worker accused of a disorderly and defiant behaviour towards the lessee occupier of the factory. In Ext. W2 the worker admits that he went to the office and asked about the entry in the card to the effect that he refused alternative employment on 23-5-1959 but denies insubordinate behaviour. The lessee occupier against whom the worker is alleged to have behaved defiantly, was examined as EW1 but his examination was not completed due to his prolonged illness. In the sworn statement of the worker as WW1 he would state that he had conducted himself in a very polite way when he asked about the entry in the card. But he admits that the lessee occupier intervened and asked him to stop talking. That itself would show that his conduct in the office and his mode of talk necessitated the occupier's intervention. WW2, another worker, says in his chief examination itself thus "ദിവാകരൻ ക്ലാർക്കിനോട് നിങ്ങളുടെ തോന്ന്യാസങ്ങൾ കാണിക്കരുത് എന്റെ കാർഡിൽ അല്ല എന്ന പറഞ്ഞു" That statement itself would show that Sri Divakaran did not conduct himself peacefully as he would pretend. Even if a clerk did a mistake the worker concerned could redress his grievance by complaining to the employer. It is not open to the worker himself to take the clerk to task. There was absolutely no occasion for Divakaran to go to the office on the 27th May 1957 unless for picking up a quarrel, is also clear from his deposition. He says "പകരം ജോലി തന്നത് ഞാൻ സ്വീകരിച്ചില്ലായെന്ന് എഴുതിയിട്ടുണ്ട്. പക്ഷെ, ലേഓഫ് പതിച്ചദിവസമല്ലാ അത് എഴുതിയത്. 24-ാം തീയതി. വൈകിട്ട് ഞാൻ Card എടുക്കമ്പോഴാണ് കണ്ടത് അന്ന് ഒന്നും ചോദിച്ചില്ല." This would show that Sri Divakaran went to the office on 27-5-1959 only to create a scene and not to satisfy his curiosity regarding the entry in the card. EW2 the Manager of the factory swears that he heard Divakaran talking to the lessee occupier as follows : "നിങ്ങൾക്കുള്ളതു പറയണം. ഞാൻ കേൾക്കുകയില്ല. നിങ്ങൾ പറ്റുമ്പോലെ നോക്കിക്കൊള്ളണം". Somanatha Pillai the concerned clerk, as EW3, also swears in like terms. It is also to be noted that the above defiant words are extracted even in Ext. W1 the show cause notice issued on the very next day of the incident. Therefore it could never be said that the above is a cooked up statement. As a matter of fact, the Management

could have dismissed the worker from their service. It is true that the Management has not conducted any enquiry, but they have established before this Court by reliable evidence that he is guilty of the misconduct alleged against him. Even in the absence of an enquiry, the Management is free to tender evidence defore this Court to prove the misconduct and that they have bone the same. It would appear that the Management did not want to mar the future of the worker by dismissing him from their services. That may be the reason why he was only discharged. Therefore on a consideration of the entire evidence before me, I hold that the discharge of Sri Divakaran is quite justified. Issue found accordingly.

Issue No. 2:—

The Management having only discharged the worker, should have offered him some compensation. From the deposition of the worker concerned, it would appear that he has only 4 years' service under the present Management. Any way taking into consideration the facts and circumstances of this case, I direct the Management to pay him a lump sum compensation of Rs. 200. Issue found accordingly.

In the result, I pass an award as indicated above. Both parties shall bear their respective costs.

Quiloo, 17-1-1961.

P. Sanku Pillai,
Presiding Officer.

APPENDIX.

Witnesses examined on behalf of the Union:-

WW1 K. Divakaran.
WW2 Surendran.

Witnesses examined on behalf of the Management:-

EW1 V. Narayana Pillai.
EW2 M. Lambhodaran Nair.
EW3 K. Somanathan Pillai.

Exhibits marked on the side of the Union.

Ext. W1 Notice dated 28-5-1959, No. 9.
,, W2 Reply to Ext. W1.
,, W3 Notice No. 10 dated 29-5-1959.

Exhibits marked on the side of the Management.

Ext. E1 Explanation dated 20-10-1956 given by Divakaran.
,, E2 Notice dated 19-10-1956.
,, E3 Do. 5-4-1958, No. 6.
,, E4 Do. 9-4-1958, No. 7.
,, E5 Letter dated 16-4-1958.
,, E6 Notice dated 4-7-1958, No. 14.
,, E7 Reply to Ext. E6.
,, E8 Letter dated 8-7-1958.
,, E9 Notice dated 3-11-1958.
,, E10 Explanation signed by 12 workers, dated 4-11-1958.
,, E11 Explanation dated 3-11-1958 signed by K. Divakaran.
,, E12 Notice dated 4-11-1958, No. 22.
,, E13 Notice dated 11-4-1958 of the A.L.O., Quilon
,, E14 Statement of K. Somanathan Pillai dated 28-5-1959.

Kerala Gazette No. 7 dated 14th February 1961.
PART I

GOVERNMENT OF KERALA

Revenue 'D' Department

AMENDMENT NOTIFICATION

No. LR. D2-41401/60/RD.

Dated, Trivandrum, 6th February 1961.

In exercise of the powers conferred by Section 7 of the Kerala Government Land Assignment Act 1960 (Act 30 of 1960) the Government of Kerala hereby make the following amendment to the Kandukrishy Land Assignment Rules 1958 namely,

AMENDMENT

In Sub rule (a) of rule 4 of the said Rules the following proviso is added.

"Provided the whole or any portion of the land is not required for any future Government or public purposes. Where the Tahsildar is of opinion that any land is required for any future Government or public purposes, he shall obtain the orders of the Collector for the reservation of such land. The party will, however be allowed to continue its occupation as on lease under the new Land Assignment Rules dated 18-10-1958 till it is actually resumed by Government for the Government or public purpose."

By order of the Governor,
C. K. KERALA VARMA,
Secretary.

G. 527.

Kerala Gazette No. 7 dated 14th February 1961.

PART I

Revenue (G) Department

ശുദ്ധിപത്രം

No. G2-8297/61/RD. *Dated, Trivandrum, 14th February 1961.*

1961 ജനുവരി 24-ലും തുടർന്നുള്ള രണ്ടു കേരള ഗവണ്മെന്റ് ഗസററുകളിലും അബ്കാരി ഷാപ്പുകളുടെ ലേലവിവരം പരസ്യപ്പെടുത്തിയിട്ടുള്ളതിൽ ഷാപ്പുകളുടെ എല്ലകവിവരം സംബന്ധിച്ച പരസ്യത്തിൽ 97-ാംപേജിൽ തൊടുപുഴ റേഞ്ചിലെ 4-ാം നമ്പർ അറക്കുളം കള്ളുഷാപ്പിന്റെ വടക്കെ എല്ലകയും, 5-ാംനമ്പർ വെള്ളിയാമററം കള്ളുഷാപ്പിന്റെ കിഴക്ക, പടിഞ്ഞാറ് എന്നീ എല്ലകകളും 98-ാം പേജിൽ ടി റേഞ്ചിലെ 9-ാം നമ്പർ കോടിക്കുളം കള്ളുഷാപ്പിന്റെ വടക്ക്, കിഴക്ക് എന്നീ എല്ലകകളും താഴെ കാണിച്ചിരിക്കും പ്രകാരം ഭേദഗതി ചെയ്തിരിക്കുന്ന വിവരം ഇതിനാൽ തെര്യപ്പെടുത്തിക്കൊള്ളുന്നു.

4-ാംനമ്പർ അറക്കുളം ഷാപ്പ്	വടക്ക്	ഞരളൻപുഴമലയും നെല്ലിക്കാമലയും
5-ാംനമ്പർ വെള്ളിയാമററം ഷാപ്പ്	കിഴക്ക്	പൂവത്തിനാൽ റബ്ബർ തോട്ടത്തിൽനിന്നും വൈരമണിക്കുള്ള നടപ്പുപാത.
ടി	പടിഞ്ഞാറ്	കലയന്താനി ചെലവ്റോഡും ലിററിൽ ഫ്ളവർ എസ്റ്റേററും
9-ാംനമ്പർ കോടിക്കുളം ഷാപ്പ്	വടക്ക്	മൂവാററുപുഴ - തൊടുപുഴ താലൂക്ക ബൌണ്ടറി
ടി	കിഴക്ക്	ചുങ്കത്തോട്, തോട്ടമുഴി കുഴിക്കാട്ടുകുഴി നിലം വളയത്തിൽ നിന്നും ചാവക്കാവ്കപുരയിടം വളമററം നെയ്യാശ്ശേരി റോഡ്.

ഗവർണ്ണരുടെ ഉത്തരവിൻപ്രകാരം,
സി. കെ. കേരളവർമ്മ,
റവന്യൂ സെക്രട്ടറി.

G. 552

Kerala Gazette No. 7 dated 14th February 1961.
PART I

Revenue (H) Department

NOTIFICATION

G. O. Rt. No. 144/Rev./61.

Dated Trivandrum 1st February 1961.

S. R. O. No. 31/61. In exercise of the powers conferred by clause (b) of Section 2 of the General Sales Tax Act 1125, (Act XI of 1125) and in supersession of the Notification issued in MS. 610 Rev. dated 6-6-1959 published on pp. 1361-62 of Part I of the Kerala Gazette dated 9-6-1959, the Government of Kerala hereby authorise the Officers mentioned in Column 2 of the Schedule hereto annexed with their headquarters mentioned in column 3 of the said Schedule, to exercise the powers of an assessing authority within the area specified against each in column 4 of the said Schedule.

SCHEDULE

Sl. No.	*Officers.*	*Headquarters*	*Jurisdiction.*
(1)	(2)	(3)	(4)
1	Sales Tax Inspector, Sales Tax Office, Special Circle, Trivandrum	Trivandrum	Trivandrum District
2	Sales Tax Inspector, Sales Tax Office, 1st Circle, Trivandrum	,,	,,
3	Sales Tax Inspector, Sales Tax Office, II Circle, Trivandrum	,,	,,
4	Sales Tax Inspector, Sales Tax Office, Special Circle, Quilon	Quilon	Quilon District
5	Sales Tax Inspector, Sales Tax Office, I Circle, Quilon	,,	,,
6	Sales Tax Inspector, Sales Tax Office, II Circle, Quilon	,,	,,
7	Sales Tax Inspector, Sales Tax Office, III Circle, Quilon	,,	,,
8	Sales Tax Inspector, No. (1), Sales Tax Office, Special, Circle, Alleppey	Alleppey	Alleppey District

(1)	(2)	(3)	(4)
9	Sales Tax Inspector, (No. 2), Sales Tax Office, Special Circle, Alleppey	Alleppey	Alleppey District
10	Sales Tax Inspector, Sales Tax Office, I Circle Alleppey	,,	,,
11	Sales Tax Inspector, Sales Tax Office, II Circle, Alleppey	,,	,,
12	Sales Tax Inspector, Sales Tax Office, Sherthalai	Sherthalai	,,
13	Sales Tax Inspector, Sales Tax Office, I Circle, Kottayam	Kottayam	Kottayam District
14	Sales Tax Inspector, Sales Tax Office, II Circle, Kottayam	,,	,,
15	Sales Tax Inspector, Sales Tax Office, Palai	Palai	,,
16	Sales Tax Inspector, Sales Tax Office, Ponkunnam	Ponkunnam	,,
17	Sales Tax Inspector, Sales Tax Office, Devicolam	Devicolam	,,
18	Sales Tax Inspector No. (1) Sales Tax Office, Special Circle, Ernakulam	Ernakulam	Ernakulam District
19	Sales Tax Inspector No (2) Sales Tax Office, Special Circle Ernakulam	,,	,,
20	Sales Tax Inspector, Sales Tax Office, Ernakulam	,,	,,
21	Sales Tax Inspector No. (1) Sales Tax Office, Special Circle, Mattancherry	Mattancherry	,,
22	Sales Tax Inspector No. (2) Sales Tax Office, Special Circle, Mattancherry	,,	,,
23	Sales Tax Inspector, Sales Tax Office, I Circle, Mattancherry	,,	,,

(1)	(2)	(3)	(4)
24	Sales Tax Inspector, Sales Tax Office, II Circle, Mattancherry	Mattancherry	Ernakulam District
25	Sales Tax Inspector, Sales Tax Office, Parur	Parur	,,
26	Sales Tax Inspector, Sales Tax Office, Alwaye	Alwaye	,,
27	Sales Tax Inspector, Sales Tax Office, Muvattupuzha	Muvattupuzha	,,
28	Sales Tax Inspector, Sales Tax Office, Special Circle, Trichur	Trichur	Trichur District
29	Sales Tax Inspector, Sales Tax Office, I Circle, Trichur	,,	,,
30	Sales Tax Inspector, Sales Tax Office, II Circle, Trichur	,,	,,
31	Salas Tax Inspector, Sales Tax Office, Irinjalakuda	Irinjalakuda	,,
32	Sales Tax Inspector, Sales Tax Office, 1st Circle, Palghat	Palghat	Palghat District
33	Sales Tax Inspector, Sales Tax Office, Alathur	Alathur	,,
34	Sales Tax Inspector, No. 1, Sales Tax Office, Special Circle No. (1) Kozhikode	Kozhikode	Kozhikode District
35	Sales Tax Inspector, No. 2, Sales Tax Office, Special Circle No. (1), Kozhikode	,,	,,
36	Sales Tax Inspector No. (1) Sales Tax Office, Special Circle No. (2) Kozhikode	,,	,,
37	Sales Tax Inspector No. (2) Sales Tax Office, Special Circle No. (2), Kozhikode	,,	,,
38	Sales Tax Inspector, Sales Tax Office, I Circle, Kozhikode	,,	,,

(1)	(2)	(3)	(4)
39	Sales Tax Inspector, Sales Tax Office, II Circle, Kozhikode	Kozhikode	Kozhikode District
40	Sales Tax Inspector, Sales Tax Office III Circle, Kozhikode	,,	,,
41	Sales Tax Inspector, No. (1), Sales Tax Office, Special Circle Cannanore	Cannanore	Cannanore District
42	Sales Tax Inspector, No. (2), Sales Tax Office, Cannanore	,,	,,
43	Sales Tax Inspector, Sales Tax Office, Cannanore	,,	,,
44	Sales Tax Inspector, Sales Tax Office, Tellicherry	Tellicherry	,,
45	Sales Tax Inspector, Sales Tax Office, Kasargod	Kasargod	,,

By order of the Governor,

C. K. KERALA VARMA,
Secretary.

Kerala Gazette No. 7 dated 14th February 1961.
PART I

GOVERNMENT OF KERALA

Public Works Department (Transport-B)

NOTIFICATION

No. 6286/61-1/PW. (TB. 1)

Dated, Trivandrum, the 6th February 1961.

S. R. O. 32/61.—In exercise of the powers conferred by rule 466 of the Travancore-Cochin Motor Vehicles Rules, 1952, the Government of Kerala hereby exempt the vehicles detailed below belonging to Messrs. Anamallais Bus Transport, Chalakudy from the provisions of rule 386 of the said Rules, provided that the other conditions relating to seating room space, etc. specified in the rules should be strictly complied with.

DETAILS.

	Make & Model.	*Engine No.*	*Chassis No.*	*W.B.*	*Seating capacity.*
1.	Benz 1960	312 978 0601715	312 076 0606234	165"	42 in all
2.	Benz 1960	312 978 0601792	312 076 0606233	165"	42 in all

By order of the Governor,

K. K. RAMANKUTTY,
Secretary.

G. 520.

Kerala Gazette No. 7 dated 14th February 1961.
PART I

GOVERNMENT OF KERALA

Public Works Department (Transport-B)

NOTIFICATION

No. 6496/61-1/PW. (TB. 1)

Dated, Trivandrum, the 8th February 1961.

S. R. O. 33/61.—In exercise of the powers conferred by rule 466 of the Travancore-Cochin Motor Vehicles Rules, 1952, the Government of Kerala hereby exempt the Motor Vehicles detailed below belonging to the State Transport Department from the provisions of rules 352, 361, 386 and 402 of the said 'Rules'.

DETAILS.

Sl. No.	*Make.*	*Chassis No.*	*Engine No.*	*Wheel Base.*
1	Leyland	ALC-6906	ALI-2995	203"
2	,,	,, 6914	,, 2991	,,
3	,,	,, 6904	ALE-2986	,,
4	,,	,, 6841	ALI-2894	,,
5	,,	,, 6958	8544	,,
6	,,	,, 6948	8681	,,
7	,,	,, 6886	ALE-2957	,,
8	,,	,, 6879	ALI-2898	,,
9	,,	,, 6154	,, 2381	,,
10	,,	,, 6799	8607	,,
11	,,	,, 6205	ALI-2455	,,

By order of the Governor,

K. K. RAMANKUTTY,
Secretary.

G. 535.

Kerala Gazette No. 7 dated 14th February 1961.

PART I

GOVERNMENT OF KERALA

Industries 'E' Department

NOTIFICATION

G. O. MS. 77. *Dated, Trivandrum, 6th February 1961.*

S. R. O. 34/61—In exercise of the powers conferred by section 33 of the Khadi and Village Industries Board Act, 1957 (Act 9 of 1957), the Government of Kerala hereby makes the following amendment to the Kerala Khadi and Village Industries Board Rules, 1960, namely:—

In the said rules, in sub-rule (i) of rule 8:

(i) in clause (f), the word "and" at the end shall be omitted;

(ii) in clause (g), the word "and" shall be added at the end;

(iii) after clause (g), the following clause shall be added, namely:—

"(h) sanctioning expenditure on contingencies, supplies and services and the purchase of articles required for the working of the office of the Board, up to a maximum of Rs. 500 at a time, subject to the general rules contained in the Travancore Financial and Account Code and also subject to the condition that a list of expenditure so incurred shall be placed before the standing finance committee appointed under section 11."

By order of the Governor,

P. VELU PILLAI,
Deputy Secretary.

G. 521.

Kerala Gazette No. 7 dated 14th February 1961

PART I

GOVERNMENT OF KERALA

Public Works Department (Transport-B)

NOTIFICATION

No. 3529/61-1/PW. (TB. 1)

Dated, Trivandrum, the 10th February 1961.

S. R. O. 35/61.—In exercise of the powers conferred by rule 466 of the Travancore-Cochin Motor Vehicles Rules, 1952, the Government of Kerala hereby exempt the vehicle KLP. 1721 belonging to Shri M. R. Damodaran, Proprietor, Karshakan Motor Service, Anthikad from the provisions of rule 386 of the said Rules subject to the condition that the maximum seating capacity should not exceed 32 in all and that the other rules relating to seating room space etc. should be strictly complied with.

By order of the Governor,

K. K. Ramankutty,

Secretary.

G. 544

Kerala Gazette No. 7 dated 14th February 1961.
PART I

GOVERNMENT OF KERALA

Revenue Department

NOTIFICATION

No. 74394/60/H1/RD.

Dated, Trivandrum, 14th February 1961.

S. R. O. No. 36/61.—The following draft of an amendment to the Agricultural Income-tax Rules 1951, which the Government of Kerala propose to make in exercise of the powers conferred by Section 67 of the Agricultural Income-tax Act 1960 (Act XXII of 1960) is hereby published for general information as required by sub-section (1) of the said Section. Notice is hereby given that the said draft will be taken into consideration on or after 18-2-1961.

Any objections or suggestions which may be received from any person with respect to the draft before the date specified above will be considered by the Government. Objection or suggestions should be addressed to the Secretary to Government, Revenue Department, Government of Kerala, Trivandrum.

AMENDMENT

In Rule 23 A of the said Rules, for the existing proviso, the following proviso shall be substituted, namely :—

"Provided that for the year 1960-61, the application shall be sent to the Agricultural Income-tax Officer concerned, so as to reach him not later than the last day of February 1961.

Provided further, that if any application for the year 1960-61 was sent to the Agricultural Income-tax Officer, concerned after the last day of October 1960, a fresh application should be sent so as to reach the Agricultural Income-tax Officer not later than the last day of February, 1961.

By order of the Governor,
K. M. PETER,
Deputy Secretary.

G. 551.

Kerala Gazette No. 7 dated 14th February 1961.

PART III

NOTICE INVITING TENDERS

13th January 1961.

Sealed tenders are invited for the lease of the right of collecting Toll at the undermentioned Toll Gate for one year from 1-4-1961 to 31-3-1962. Tender forms can be obtained at Rs. 2.04/E from the office of the undersigned till 5 p. m. on 9-3-1961.

Tenders shall reach the office of the Executive Engineer, Kottayam, before 4 p. m. on 10th of March 1961. Government reserve the right to withdraw the Toll Gate or change its position before the date of acceptance of the tenders. Each tender must be accompanied by a chalan receipt for Rs. 750 being earnest money to be deposited before tendering. Countersigned chalans can be had from the office of the Executive Engineer, P. W. D., Kottayam Division. Tenderers who submit tenders from outside Kerala State will be permitted to remit the earnest money in cash Tenders not accompanied by the required earnest money will not be considered. The earnest money deposited by the unsuccessful tenderers will be released as soon as possible after the tenders are disposed of.

The earnest money of the successful tenderer will be released only after the expiry of the period.

Name and description of Toll Gate.

1. Toll Gate is situated at the Northern end of the Palai bridge.

RULES.

The tenders will be opened at 4 p. m. on 10-3-1961 in the presence of the tenderers or their representatives who choose to be present and will be considered firm for a period of two months. The acceptance of the tender rests with the Chief Engineer, who shall be at liberty (a) to accept or reject any or all the tenders without assigning any reason therefor, or (b) to dispose of the Gate in any manner that the Chief Engineer may consider fit.

2. No tenderer shall withdraw or amend his tender during the firm period of the tender. If he so withdraws or amends his tender, the earnest money deposited by him will be forfeited to Government and fresh arrangements made for the lease.

3. The accepted tenderer shall within 3 days after the acceptance of his tender is intimated to him, deposit an amount which, together with the earnest money will be equal to approximately 10 per cent of the tendered amount as security for the proper fulfilment of the contract and shall execute an agreement on stamp paper of the requisite value at his own cost binding

himself to strictly adhere to the conditions herein set forth. If the 10 per cent of the tendered amount is below Rs. 750 the earnest money of Rs. 750 will be treated as security. If he fails or refuses to execute an agreement he will not be allowed to collect the toll and all deposits already made by him will be forfeited to Government and the exclusive right disposed of otherwise as the Chief Engineer may deem fit. In the case of the lessee's death after signing the agreement it shall be binding on his heirs and assignees.

4. As soon as the agreement has been executed and deposited with Executive Engineer, Kottayam he will issue an order assigning to the lessee the exclusive privilege of the collection of the toll subject to the following conditions:—

(i) The lessee shall not by virtue of the exclusive privileges covered by the lease:—

(a) Levy toll not authorised or prohibited by law.

(b) Levy tolls in excess of the rates in the schedule hereunto annexed.

(c) Establish any toll gate not covered by the agreement.

(d) Sell, transfer with or without consideration or sublet the lease.

(e) Detain without adequate cause, any vehicle arriving at the gate but shall pass them on without delay immediately after the tolls due or paid and shall behave towards the public with the utmost civility in the discharge of his duties.

(f) Leave the toll gate closed or unattended at any time during the day and night or leave the toll gate in charge of any person under 18 years of age.

(g) Levy any toll on any vehicle not actually crossing the river over the bridge.

(ii) The lessee will have to put up or hire toll gate buildings and check gates at his own cost and remove the same on the expiry of the lease period.

The rents for the Departmental Store-shed about 48' x 10' near the toll gate on the northern bank of the river and the small Departmental temporary shed for the Watcher close to the Toll Gate, at Palai, if required by the lessee; shall be Rs. 8 per mensem and Rs. 2 per mensem respectively.

These rents are exclusive of the necessary annual repairs and maintenance charges which shall be carried out by the lessee at his cost to the statisfaction of the Departmental officers in charge.

(iii) (a) The lessee shall after executing the agreement deposit in advance on or before 31st March 1961 a sum equal to one fourth of the accepted lease amount.

(b) The balance of the annual lease amount shall be remitted into the nearest Government Treasury by the lessee in three equal instalments on the 1st day of July 1961, October 1961 and January 1962. If the 1st day of any month happens to be public holiday the instalment for that month shall be paid on the succeeding working day failing which a sum equal to

1 per cent of the amount of the instalment or portion thereof due from the lessee shall be recovered as penalty for every day the instalment or portion thereof remains unpaid after the due date, up to the limit of the amount of security deposited by him.

(c) Should payment of any instalment be delayed for more than 15 days after the due date even after the infliction of the penalty of one per cent referred to in (iii) (b) above for a delayed payment, the lease will be cancelled and the toll-gate auctioned or otherwise disposed of. The loss to Government, if any, on account of the subsequent arrangement will be made good from the defaulting lessee as though it were arrears of Land Revenue. The defaulter shall have no claim whatever to any share in any gain that may result to Government on account of the subsequent arrangement.

(d) No remission or abatement of the lease amount shall on any account whatever be claimable by the lessee.

(e) It shall be clearly understood by the lessee that Government do not undertake to maintain intact the existing traffic on roads and to guarantee that no change in bus service will be made during the currency of the lease period.

(f) No interest will be paid on any of the deposits made either by way of security, advance payment of lease amount or otherwise.

(g) The lessee shall be bound to furnish the authorities concerned with any document or information relating, in any way, to his management of the toll gate.

(iv) No toll shall be levied on—

(a) all State Cars.

(b) vehicles belonging to His Highness the Raj Pramukh.

(c) vehicles belonging to the P. W. D. Gazetted Officers (including Section Officers) within their jurisdiction.

(d) all vehicles and machinery belonging to the Government of Kerala excluding those of the State Transport and Electricity Department.

(e) all vehicles belonging to the Defence Department of the Government of India.

(f) all vehicles belonging to the Indian or International Red Cross.

(g) all vehicles belonging to Foreign Embassies of the Government of India;

(h) vehicles belonging to H. E. the Governor of Kerala.

(i) all vehicles belonging to Post and Telegraph Department and vehicles belonging to the Survey of India.

(j) Jeep No. M. Y. A. 3676, vehicle belonging to the Survey of India.

(k) Lorry maintained by the Palai Municipality.

(v) The levy of tolls at rates specified in the schedule of rates appended herewith is for a day reckoned from 6 a. m. on any one day to 6 a. m. on the next day and no toll shall be levied more than once on any vehicle passing over the bridge during the course of a day reckoned as above.

(vi) The lessee of the bridge toll gate or the Departmental Officer not below the rank of a Sub Division Officer of the P. W. D. shall on payment of the one annual compounding fees specified in the schedule of rate hereto annexed, issue an Annual Toll pass to any bona fide inhabitant to enable the vehicle maintained solely for his private use to pass through the bridge toll gate, provided the inhabitant produces a certificate from the Tahsildar of the Taluk in which the inhabitant resides, to the effect that the inhabitant is residing within a radius of two miles from the bridge and that the vehicle in respect of which the pass is applied for is, maintained or kept solely for his private use. Such a pass will be in force from the date of issue to the last day of March following the date of issue and will be non-transferable. No refund shall be made in the event of a person disposing of his vehicle during that period. The number and year of the annual toll pass issued for vehicles shall be painted in a conspicuous place on the vehicle. No such annual toll pass shall be issued for vehicles plying for hire or commercial purposes. The expression 'inhabitant, in this condition does not include any Partnership, Firm or Company.

Note.—The expression, 'private use', in this condition does not include use for trade or business purposes.

(vii) All incidental charges in realising the tolls from the vehicles and legal charges in proceedings under the Act, against any defaulting vehicles shalll be borne entirely by the lessee.

(viii) (a) The lessee shall maintain Warning Notice Boards and at night three lights at the toll gate at his cost, one bright red lamp with white light to shine on the gate to be fixed by the side of the gate and two other lights with the words "Bridge Toll Gate Stop" inscribed legibly on the lantern panes. The notice boards shall be fixed about 100 yards away on each side of the gate to give sufficient warning to approaching vehicles.

(b) A large notice board setting forth the schedule of maximum rates shall also be put up near the toll gate which may be ordered to be fixed at either end of the bridge at the discretion of the Executive Engineer, Kottayam.

(ix) The lessee, if he is not a permanent resident in Kerala State shall nominate an authorised agent in Kerala State who shall receive and answer letters on his behalf and be answerable to Government for all his action regarding the lease of the toll gate. The name of such agent shall be communicated in writing to the Chief Engineer, P. W. D. and other Departmental Officers in charge of the toll gate on or before the commencement of the collection. Any change of agent shall also be promptly communicated to them.

(x) A toll pass in the following form shall be issued immediately on receipt of the toll.

BRIDGE TOLL PASS.

Name of Bridge.

Description of the vehicle.

Distinguishing No. of the vehicle or name of driver..............

Amount collected Rs. nP.

Name of Toll contractor or other collecting agency..............

Date of issue..................

Signature of agent receiving the toll.

N. B.—The pass will be issued when the toll is paid and will be valid from 6 a. m. on any one day to 6 a. m. on the next day.

(xi) In the case of any breach of the conditions of the agreement by the lessee or by any person employed by him or by any other persons with the connivance or privity of the lessee, it shall be competent for the Executive Engineer, Kottayam to declare the advances, instalment of lease amount deposited by the lessee as forfeited to Government to cancel the lease and to re-sell or otherwise dispose of the toll gate at the risk of the lessee. Any loss to Government caused thereby shall be made good by the lessee. The lessee will not be entitled to claim any share that may accrue by such re-sale or other disposal of the lease of the Toll Gate.

(xii) For every breach either on the part of the lessee or his agent of the conditions (i) to (x) of rules 4 *supra* the Executive Engineer concerned may impose fine not exceeding Rs. 25 at a time.

5. Schedule of maximum rates that may be charged at the bridge Toll Gate at the northern approach of the Palai bridge on Lalam-Ponkunnam road shall be as specified below:—

SCHEDULE

Description of Vehicle.	*Toll rate for a day each.*	*Annual compounding fees under clause 4 (viz) of the rule.*
	Rs.	Rs.
(1)	(2)	(3)
1. Traction Engine and Tractors	1.50	31.50
(a) Traction with wagons attached	2.00	42.00
(b) Wagons only	0.50	10.50
2. Large buses, 14 seats and above	2.00	42.00
3. Small buses below 14 seats	1.00	21.00

SCHEDULE—(concld.)

	Description of Vehicle.	*Toll rate for a day each.*	*Annual compounding fees under clause 4 (viz) of the rule.*
		Rs.	Rs.
	(1)	(2)	(3)
4.	Six wheeled units of about 2 tons capacity	2.00	42.00
5.	Passenger and delivery vans	1.00	21.00
6.	Light lorries	1.00	21.00
7.	Heavy four-tyred lorries	1.50	31.50
8.	Six-tyred lorries	2.00	42.00
9.	Motor cars or jeeps	0.75	15.75
10.	Other four-wheeled vehicles	0.25	5.25
11.	Motorcycle with side car	0.19	3.99

Note:—1. Lorries of 1 ton or less chassis weight will be classified as light lorries and those above 1 ton as heavy lorries.

2. Chassis of a motor vehicle (without body) will be charged at corresponding vehicle rates.

K. P. JOHN,
Executive Engineer, P. W. D.

Kottayam.